IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION CRIMINAL DOCKET NO. 5:99CR11-3-RLV

UNITED STATES OF AMERICA)	
vs.)	ORDER
ROBERT EARL HAIRSTON,)	
Defendant.)	
)	

THIS MATTER is before the Court upon Defendant's *Pro Se* Motion To Unseal Objections

To Presentence Report, filed September 7, 2010. (Document #473)

Upon a review of Defendant's motion, the undersigned has determined that the motion lacks merit. As an initial matter, given the nature of the information contained within the Presentence Report submitted by U.S. Probation and Objections filed on behalf of a criminal defendant for purposes of sentencing, all of these materials are kept under seal – not only due to privacy concerns but out of concern for the defendant's own safety. *See generally*, Fed. R. Crim. P. 32(d) - (f). Moreover, other than to state the obvious – that the Objections relate to the Defendant – Defendant fails to explain what his purpose or alleged need is in support of his request. *See* L.CrR. 32.3.¹

IT IS, THEREFORE, ORDERED that Defendant's motion is hereby DENIED. All of Defendant's sentencing materials, including Objections to the Presentence Report filed on his

¹ L.Cr.R. 32.3 – DISCLOSURE OF PRE-SENTENCE OR PROBATION RECORDS.

The probation officer's sentencing recommendation is a confidential record and shall not be disclosed, except pursuant to an Order of the Court. No confidential records of this Court maintained by the probation office, including but not limited to the sentencing recommendation, shall be sought by an applicant except by written petition to this Court <u>establishing with particularity</u> the need for specific information in the records.

behalf, will remain <u>under seal</u>. However, to the extent Defendant seeks a copy of the Objections to the Presentence Report, the Deputy Clerk is authorized to mail Defendant a copy of that document only. (Document #351) <u>Defendant is not permitted to have a copy of his Presentence Report</u>.

Signed: May 25, 2011

Richard L. Voorhees United States District Judge